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Paper No. 20

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OCT 23 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Wu et al.
Application No. 09/237,356

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: DECISION ON PETITION TO
: WITHDRAW HOLDING OF
: ABANDONMENT

Filed: January 26, 1999
For: REDUCED COMPLEXITY MLSE
EQUALIZER FOR M-ary MODULATED
SIGNALS

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This is a decision on the copy of the CPA paperwork filed July 29, 2003, which is being treated as a petition to withdraw the holding of Abandonment of the above identified application.

In the above identified application, a Final Rejection setting forth a shortened statutory period of reply was mailed to the applicant on September 09, 2002. An After-Final response was filed by the applicant on October 30, 2002. An Advisory Action was mailed to the applicant on November 08, 2002, informing the applicant that the response was not persuasive. The application became abandoned when no further response to the final rejection was received. No Notice of Abandonment was mailed.

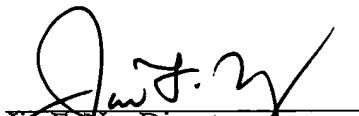
Petitioner asserts that a proper response in the form of a Continued Prosecution Application (CPA), including a preliminary amendment and filing fees was timely filed on November 20, 2002. In support, Petitioner has provided a copy of a date-stamped post card receipt acknowledging receipt of the request for Continued Prosecution Application (CPA) in the U.S. Patent and Trademark Office on November 20, 2002. A review of the U.S. Patent and Trademark Office Revenue, Accounting and Management (RAM) records reveal that the CPA filing fee of \$740.00 was applied to the instant application on November 20, 2002.

The original response is not of record in the file and cannot be located. However, M.P.E.P. 503 states, "*[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon on the date stamped thereon by the PTO.*" Accordingly, it is concluded that the CPA request was received in the Office but was not matched with the application file.

Accordingly, the holding of abandonment is withdrawn.

For the reasons above, the petition is **GRANTED**.

The application file will be forwarded to Technology Center technical support staff for entry of the response, provided with this petition. From there, the application file will be forwarded to the examiner for further action in due course.



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